

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

AMANDA BAILEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 6:19-cv-3413
)	
SOUTHWESTERN BELL)	
TELEPHONE COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Southwestern Bell Telephone Company (“Southwestern Bell”) hereby removes to the United States District Court for the Western District of Missouri the action styled *Amanda Bailey v. Southwestern Bell Telephone Company*, Case No. 1931-CC01359, currently pending in the Circuit Court of Greene County, Missouri (the “Circuit Court Action”). Defendant removes this case on the grounds of federal question jurisdiction. In support of removal, Defendant states as follows:

I. THE CIRCUIT COURT ACTION

1. On October 30, 2019, Plaintiff commenced this action in the Circuit Court of Greene County, Missouri, by filing her Petition (“Petition”).
2. Plaintiff’s Petition purports to allege claims against Defendant for violation of the Family and Medical Leave Act (FMLA);
3. Defendant was served with Summons and Petition on November 8, 2019.
4. The Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) because it is filed within thirty days of service.

5. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendant in the Circuit Court Action are attached as **Exhibit A**.

6. By removing this action, Defendant does not waive any defenses or objections that it may have, including but not limited to, sufficiency of process, service of process, and personal jurisdiction.

II. VENUE

7. Pursuant to 28 U.S.C. § 1441(a), venue is proper in the United States District Court for the Western District of Missouri because the territorial jurisdiction of this Court includes the Circuit Court of Greene County, Missouri.

III. NATURE OF CLAIMS AND FEDERAL QUESTION JURISDICTION

8. Plaintiff's FMLA claim arises under federal law, 29 U.S.C. § 2601, *et seq.*

9. Because Plaintiff's Petition asserts that Defendant violated federal law, this Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

IV. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

10. In accordance with 28 U.S.C. § 1446(d), Defendant will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Greene County, Missouri, and will simultaneously provide written notice of the filing of this Notice of Removal to counsel for Plaintiff as reflected by the Certificate of Service.

V. CONCLUSION

Defendant removes this action to this Court from the Circuit Court of Greene County, Missouri, and requests that this Court assume full jurisdiction over this matter as provided by law.

Respectfully submitted,

/s/ Sara K. McCallum

Daniel B. Boatright, #38803
Sara K. McCallum, #67473
LITTLER MENDELSON, P.C.
1201 Walnut, Suite 1450
Kansas City, MO 64106
Telephone: 816.627.4400
Facsimile: 816.627.4444
dboatright@littler.com
smccallum@littler.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and further certify that I have mailed by U.S. Mail, postage prepaid, the document to the following:

Raymond Lampert,
LAMPERT LAW OFFICE, LLC
2847 S. Ingram Mill Rd., Ste A-100
Springfield, MO 65804
Phone: (417) 886-3330

ATTORNEYS FOR PLAINTIFF

/s/ Sara K. McCallum

Attorney for Defendant